

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
2016 MAY -9 PM 3:49  
CLERK OF THE COURT

RANDALL S. KRAUSE,

Plaintiff,

v.

BOARD OF REGENTS OF THE UNIVERSITY  
OF NEBRASKA, a public body corporate,  
Defendant.

Rec #8037866

8:16CV204

**COMPLAINT**

**INTRODUCTION**

1. This is a citizen suit for declaratory and injunctive relief under section 7002(a)(1)(A) of the Resource Conservation and Recovery Act ("RCRA") against the Board of Regents of the University of Nebraska (the "University").

2. As detailed below, Plaintiff ("Krause") alleges that mass balloon releases promoted by the University result in the open dumping of solid waste, which is prohibited under section 4005 of RCRA.

**JURISDICTION**

3. This Court has subject matter jurisdiction pursuant to RCRA § 7002(a)(1)(A), 42 U.S.C. § 6972(a)(1)(A).

4. This Court also has federal question jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under RCRA, 42 U.S.C. §§ 6901-6992k, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202.

## **VENUE**

5. Venue properly vests in this Court pursuant to 28 U.S.C. § 1391 because the alleged violations of RCRA occurred and continue to occur within the state of Nebraska.

## **PARTIES**

6. The Board of Regents of the University of Nebraska has constitutional and statutory power for general supervision over all elements of the University, control and direction of all expenditures, and for general operating policies of the University.

7. Krause resides in Omaha, Nebraska, and seeks to protect children and wildlife in Nebraska and the United States.

## **STATUTORY AND REGULATORY FRAMEWORK**

8. RCRA § 7002(a)(1)(A), 42 U.S.C. § 6972(a)(1)(A), provides that citizens may commence a citizen suit “against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any permit, standard, regulation, condition, requirement, prohibition, or order which has become effective pursuant to [RCRA].”

9. RCRA prohibits “any solid waste management practice or disposal of solid waste... which constitutes the open dumping of solid waste...” RCRA § 4005(a), 42 U.S.C. § 6945(a).

10. Under RCRA, the term “disposal” means “the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.” RCRA § 1004(3), 42 U.S.C. § 6903(3)

11. RCRA defines “solid waste” as “any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities...” RCRA § 1004(27), 42 U.S.C. § 6903(27).

12. 40 CFR § 257.1(a)(2) states that “Practices failing to satisfy any of the criteria in [40 CFR] §§ 257.1 through 257.4 or §§ 257.5 through 257.30 or §§ 257.50 through 257.107 constitute open dumping, which is prohibited under section 4005 of [RCRA].”

13. 40 CFR § 257.3-2(a) states that “Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.”

14. 40 CFR § 257.3-2(c)(1) states that “*Endangered or threatened species* means any species listed as such pursuant to section 4 of the Endangered Species Act.”

15. 40 CFR § 257.3-2(c)(3) states that “*Taking* means harassing, harming, pursuing, hunting, wounding, killing, trapping, capturing, or collecting or attempting to engage in such conduct.”

16. 40 CFR § 257.3-8(d) states that “A facility or practice shall not allow uncontrolled public access so as to expose the public to potential health and safety hazards at the disposal site.”

### NOTICE

17. Dr. Hank M. Bounds, the president of the University of Nebraska, received the original and supplemental notices of Krause’s intent to sue by registered mail, return receipt requested on February 25 and March 7 of 2016, respectively. Exhibits A and B. Krause also mailed a copy of the notices to the Administrator of the United States Environmental Protection Agency (“EPA”), the Regional Administrator for EPA Region 7,

and the Administrator of the Nebraska Department of Environmental Quality Waste Management Division in accordance with 40 CFR § 254.2(a)(2).

18. Sixty days have passed since Mr. Bounds received the supplemental notice and no one from the University has communicated with Krause about the violations complained of in the notices. The mass balloon releases will likely continue. Neither EPA nor the State of Nebraska is diligently prosecuting a civil or criminal action to redress the violations.

## **FACTS**

### **The Practice**

19. For at least the past 50 years, the University has promoted mass balloon releases during football games at Memorial Stadium on the campus of the University of Nebraska-Lincoln, home of the “Huskers.”

20. Hours before kickoff, the University fills thousands of 11” diameter latex balloons with helium and ties a poly ribbon to each one (Fig. 1). The ribbons average about 4 feet in length. The balloons bear a University logo and are commonly referred to as “Husker balloons.” The University distributes the balloons to fans entering the game. The intended purpose of the balloons is to enhance the fan experience.



**Fig. 1: Poly Ribbon**

21. After the Huskers score their first points, it is traditional for the fans to release the balloons into the air (Fig. 2). The balloons serve their intended purpose in the air until the fans can no longer see them. Once the balloons are out of sight of the fans, they can no longer serve their intended purpose.

22. The University makes no attempt to recover balloons that fly beyond its property.





Fig. 2: Husker balloons take flight.

### The Flight

23. After they are released, Husker balloons are carried away by the wind and forces of nature. Virtually all Husker balloons fly beyond University property.

24. As a Husker balloon rises, it expands due to decreasing atmospheric pressure (Fig. 3). Depending on the amount of helium it has, it will either expand and pop, or expand *without* popping.

25. Husker balloons either pop in the air or land intact somewhere.

26. Virtually all Husker balloons that pop in the air, expand and pop in the upper atmosphere. Husker balloons that land intact expanded *without* popping.



Fig. 3

27. Due to the prevailing winds, Husker balloons' displacement has an eastward component. A Husker balloon that does not pop during its flight can land anywhere in the United States east of a meridian that passes through Lincoln, Nebraska. Husker balloons can even land in the Great Lakes, Gulf of Mexico, and Atlantic Ocean. Husker balloons that pop in the upper atmosphere have a lesser range, but they can still travel hundreds of miles horizontally before reaching the altitudes where they pop (Fig. 4).



Fig. 4: Husker balloons can land anywhere in the shaded area.

### The Fall

28. Large, medium, small, and tiny pieces fall to earth when helium-filled, Husker-type 11" diameter latex balloons pop in the upper atmosphere.

29. Approximately 82% of the mass that falls to earth when Husker-type balloons pop in the upper atmosphere consists of large pieces that typically have a radial fraying around a central circular mass. These large pieces have, on average, half the mass of a whole balloon (Fig. 5).



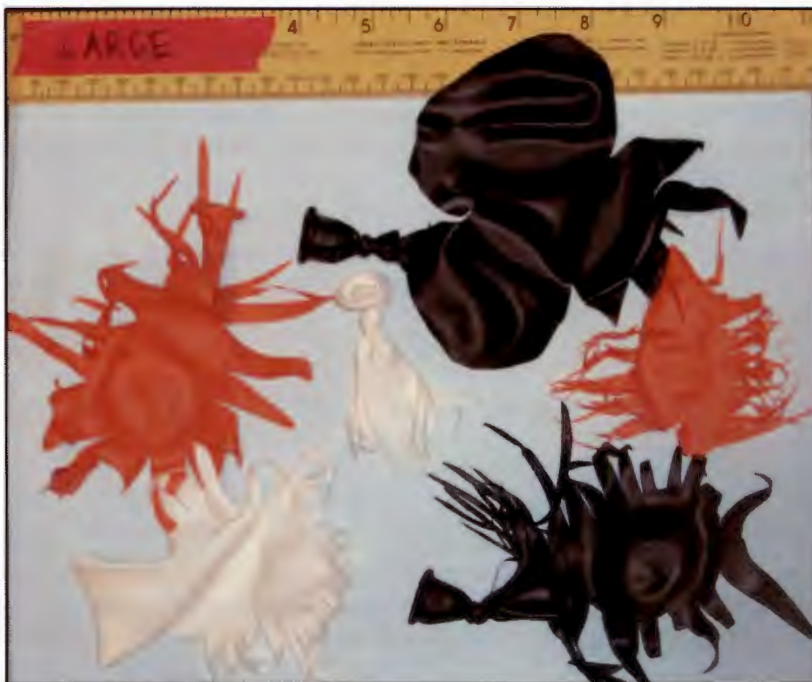


Fig. 5: Large pieces after Husker-type balloons pop in upper atmosphere.  
(Photo: [http://tigerprints.clemson.edu/all\\_dissertations/959/](http://tigerprints.clemson.edu/all_dissertations/959/))

30. Approximately 6% of the mass that falls to earth when Husker-type balloons pop in the upper atmosphere consists of medium-sized pieces of various shapes ranging from 2.5 to 5.0 cm<sup>2</sup> in total area (Fig. 6).

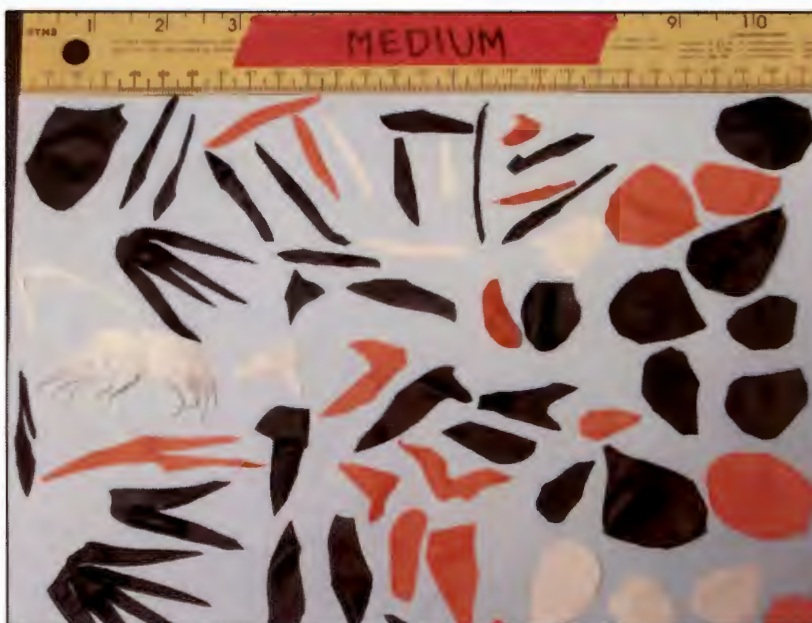


Fig. 6: Medium-sized pieces after Husker-type balloons pop in upper atmosphere.  
(Photo: [http://tigerprints.clemson.edu/all\\_dissertations/959/](http://tigerprints.clemson.edu/all_dissertations/959/))

31. Approximately 9% of the mass that falls to earth when Husker-type balloons pop in the upper atmosphere consists of small pieces shredded into thin, 0.50 to 2.50 cm long ribbons (Fig. 7).



Fig. 7: Small pieces after Husker-type balloons pop in upper atmosphere.  
(Photo: [http://tigerprints.clemson.edu/all\\_dissertations/959/](http://tigerprints.clemson.edu/all_dissertations/959/))

32. Approximately 3% of the mass that falls to earth when Husker-type balloons pop in the upper atmosphere consists of tiny pieces small enough to pass through a 2 mm mesh.

### **The Trash**

33. Husker balloons become “discarded material” and thus “solid waste” under RCRA § 1004(27) by virtue of being abandoned after they have served their intended purpose.

34. Husker balloons become solid waste the moment they are out of sight of the fans.

35. The wind and forces of nature dispose of Husker balloons by placing them on land and water where the balloons become part of the environment. Figure 8 shows balloons in a similar condition.





Fig. 8: Balloon trash.

(Photo: <http://www.fws.gov/news/blog/index.cfm/2015/8/5/Balloons-and-Wildlife-Please-Dont-Release-Your-Balloons>)

36. Releasing Husker balloons results in their transformation into solid waste and disposal by the wind and forces of nature. The portion of the United States east of a meridian that passes through Lincoln, Nebraska, is the disposal site for Husker balloons.

### **The Problem**

37. Husker balloons are made from latex rubber that retains its elasticity for 8-10 weeks when exposed to air and beyond five months when submerged in water. The poly ribbons tied to Husker balloons are petroleum-based and are not biodegradable.

38. Balloon ribbons represent a serious threat to wildlife through entanglement. Birds, turtles, and other wildlife have become entangled in balloon ribbons, and have been strangled, incapacitated, or lost limbs (Figs. 9-11).



Fig. 9: Turtle entangled in balloon ribbons. Note injury to flipper.

(Photo: <http://www.waltonoutdoors.com/balloon-releases-take-a-toll-on-wildlife/>)



Fig. 10



Fig. 11

Fig. 10-11: Birds strangled by balloon ribbons.  
(Photos: <http://www.fws.gov/news/blog/index.cfm/2015/8/5/Balloons-and-Wildlife-Please-Dont-Release-Your-Balloons>)



39. Linear foreign bodies, such as balloon ribbons, have been observed to cause intestinal perforation and death in animals. Wildlife commonly mistake latex balloons for food. When wild animals eat latex balloons with the ribbons still attached, they can be harmed and even killed. (Figs. 12-13).



Fig. 12: Turtle ingested balloon with ribbon attached.

(Photo: <http://marinedebris.noaa.gov/addressing-rising-concern-balloon-debris>)



Fig. 13: Turtle killed by balloon with ribbon attached.

(Photo: <http://www.fws.gov/news/blog/index.cfm/2015/8/5/Balloons-and-Wildlife-Please-Dont-Release-Your-Balloons>)



40. The mass release of Husker balloons puts virtually all species of birds, turtles, marine mammals, and small animals that live at the disposal site in harm's way. There is no doubt that the mass balloon releases at Memorial Stadium cause or contribute to the taking of endangered or threatened wildlife in violation of 40 CFR § 257.3-2. Endangered and threatened wildlife put in harm's way by the mass release of Husker balloons include:

Florida Bonneted Bat	Piping Plover
Gray Bat	Southwestern Willow Flycatcher
Indiana Bat	Red Knot
Mexican Long-nosed Bat	West Indian Manatee
Northern long-eared Bat	Alabama Beach Mouse
Ozark Big-eared Bat	Anastasia Island Beach Mouse
Virginia Big-eared Bat	Choctawhatchee Beach Mouse
Audubon's Crested Caracara	Key Largo Cotton Mouse
Mississippi Sandhill Crane	Perdido Key Beach Mouse
Whooping Crane	Southeastern Beach Mouse
Yellow-billed Cuckoo	St. Andrew Beach Mouse
Eskimo Curlew	Mexican Spotted Owl
Northern Aplomado Falcon	Alabama Red-belly Turtle,
Black-footed Ferret	Northern Bog Turtle
Attwater's Greater Prairie-chicken	Flattened Musk Turtle
Lesser Prairie-chicken	Gopher Tortoise
Lower Keys Marsh Rabbit	Plymouth Red-belly Turtle
Lower Keys Rice Rat	Ringed Map Turtle
Florida Scrub-jay	Yellow-blotched Map Turtle
Green Sea Turtle	Black-capped Vireo
Hawksbill Sea Turtle	Florida Salt Marsh Vole
Kemp's Ridley Sea Turtle	Bachman's Warbler
Leatherback Sea Turtle	Golden-cheeked Warbler
Loggerhead Sea Turtle	Kirtland's Warbler
Cape Sable Seaside Sparrow	Finback Whale
Florida Grasshopper Sparrow	Humpback Whale
Carolina Northern Flying Squirrel	North Atlantic Right Whale
Wood Stork	Ivory-billed Woodpecker
Least Interior Tern	Red-cockaded Woodpecker
Roseate Tern	Key Largo Woodrat

41. Of all children's products, balloons are the leading cause of suffocation death, according to Consumer Product Safety Commission injury data.

42. 16 CFR 1500.19(b)(2) requires that latex balloon packages bear the following cautionary statement:



**WARNING:**

**CHOKING HAZARD--Children under 8 yrs. can choke or suffocate on uninflated or broken balloons. Adult supervision required.**

**Keep uninflated balloons from children.  
Discard broken balloons at once.**

43. Husker balloons do not bear a cautionary statement.

44. Children under 8 years commonly put things in their mouths (Fig. 14).

45. Husker balloons land intact and in pieces where children under 8 years have uncontrolled access to them.

46. Husker balloons that do not pop will eventually deflate. Children under 8 years can choke or suffocate on deflated Husker balloons if they put them in their mouths.

47. Children under 8 years can choke or suffocate on pieces from popped Husker balloons if they put them in their mouths.

48. Because Husker balloons can land intact or in pieces where children under 8 years have uncontrolled access to them, the mass balloon releases at Memorial Stadium expose the public to potential health and safety hazards at the disposal site in violation of 40 CFR § 257.3-8(d).



Fig. 14

### CONCLUSION

49. The mass balloon releases at Memorial Stadium result in solid waste disposal that fails to satisfy the criteria in 40 CFR § 257.3-2 and 40 CFR § 257.3-8(d), which constitutes the open dumping of solid waste.

### RELIEF REQUESTED

50. Krause asks the Court to declare that the mass balloon releases during football games at Memorial Stadium result in the open dumping of solid waste, which is prohibited under section 4005 of RCRA. Krause asks the Court to issue an injunction enjoining the University from promoting mass balloon releases during football games at Memorial Stadium.

### TRIAL METHOD

51. Krause requests a bench trial.

### VERIFICATION

52. I declare under penalty of perjury that the foregoing is true and correct.

5/9/16  
Date Executed

Randall S. Krause  
Randall S. Krause  
604 S. 22nd St. Apt. 515  
Omaha, NE 68102  
Telephone No. (402) 206-7045  
Email: krause\_randall@hotmail.com



RANDALL S. KRAUSE

v.

BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA

---

## Exhibits with Complaint

Exhibit A: Notice of Intent to Sue dated February 24, 2016 (3 pages).

Exhibit B: Supplemental Notice of Intent to Sue dated March 5, 2016 (3 pages).

Randall S. Krause  
604 S. 22<sup>nd</sup> Street, Apt. 515  
Omaha, NE 68102  
Ph. (402) 206-7045  
Email: krause\_randall@hotmail.com

By Registered Mail, Return Receipt Requested

February 24, 2016

Dr. Hank M. Bounds, President  
University of Nebraska  
3835 Holdrege Street  
Lincoln, NE 68583-0745

Re: Notice of Intent to Sue

Dear Dr. Bounds:

Sixty days after you receive this notice, Randall S. Krause ("Krause") intends to file a citizen suit under § 7002(a)(1)(A) of the Resource Conservation and Recovery Act ("RCRA") against the Board of Regents of the University of Nebraska (the "University") in the U.S. District Court for the District of Nebraska for violating the prohibition against open dumping in RCRA § 4005(a) and 40 CFR § 257.3-2. This notice is being sent to you because you are the chief executive officer of the University.

For at least the past 50 years, it has been the practice of the University to facilitate and encourage the release of helium-filled balloons during football games at Memorial Stadium in Lincoln, Nebraska, home of the "Huskers." Before the game, the University distributes thousands of helium-filled balloons with strings tied to them to fans entering the stadium. After the Huskers score their first points, it is traditional for the fans to release the balloons into the air.

The purpose of the balloon release is to enhance the fan experience. After the balloons have served their intended purpose they are carried away by the wind and become "discarded materials" and thus "solid waste" under RCRA § 1004(27). They become discarded materials by virtue of being abandoned after they have served their intended purpose. The University makes no attempt to recover the balloons once they go beyond University property.

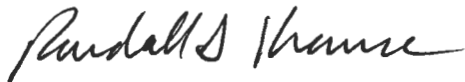
Either in pieces or intact, all of the balloons eventually come back to earth. On the earth they become a hazard to wildlife. Birds, turtles and other animals commonly mistake balloons for food, which can harm or even kill them. In addition, many animals can become entangled in

balloon strings, which can strangle them or hurt their feet and hands. Some of the animals harmed by balloon releases in the United States are listed as endangered or threatened by the federal government.

Because the balloons released at Memorial Stadium can travel hundreds or even thousands of miles before they land, there is no doubt that the University causes or contributes to the harming, wounding, and killing of endangered and threatened species of wildlife listed pursuant to section 4 of the Endangered Species Act. The list of endangered and threatened species in the United States can be found at <http://www.fws.gov/endangered/species/us-species.html>.

Krause will seek a declaration from the Court that the University's practice of facilitating and encouraging the release of helium-filled balloons violates the prohibition against open dumping in RCRA § 4005(a) and 40 CFR § 257.3-2. Krause will also seek an injunction enjoining the University from facilitating and encouraging the release of helium-filled balloons.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall S. Krause". The signature is fluid and cursive, with the first name "Randall" being more prominent than the last name "Krause".

Randall S. Krause

cc: Gina McCarthy, Administrator of the U.S. Environmental Protection Agency (EPA)  
Mark Hague, Regional Administrator for EPA Region 7  
David Haldeman, Nebraska Department of Environmental Quality Waste Management  
Division Administrator



Exhibit A

Registered No. <b>RB 302415794 US</b>		Date Stamp <b>FEB 24 2016</b>
To Be Completed By Post Office	Reg. Fee <b>RB3024157</b>	
	Handling Charge <b>\$0.49</b>	Return Receipt
	Postage <b>\$12.20</b>	Restricted Delivery
	Received by <b>\$2.80</b>	
	<b>\$0.00</b>	
Customer Must Declare Full Value \$ <b>\$15.49</b>		Domestic Insurance up to \$25,000 is included based upon the declared value. International indemnity is limited. (See Reverse).
<b>\$0.00</b>		<b>02/24/2016</b>
<b>OFFICIAL USE</b>		
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	<b>Randall S. Krause 604 S. 22<sup>nd</sup> St. Apt. 515 Omaha, NE 68102</b>
	TO	<b>Hank M. Bounds President, Univ. of Nebraska 3835 Holdrege St. Lincoln, NE 68583-0745</b>

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer  
May 2007 (7530-02-000-9051)  
For domestic delivery information, visit our website at [www.usps.com](http://www.usps.com)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <b>Nebraska - Lincoln University Services</b> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <b>Dr. Hank M. Bounds President, Univ. of Nebraska 3835 Holdrege St. Lincoln, NE 68583-0745</b>		B. Received by (Printed Name) <b>1100 N. 17th St.</b> <b>2-25-16</b> C. Date of Delivery	
2. Article Number (Transfer from service label) <b>RB 302415794 US</b>		D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)		<input checked="" type="checkbox"/> Priority Mail Express® <input checked="" type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Randall S. Krause  
 604 S. 22<sup>nd</sup> Street, Apt. 515  
 Omaha, NE 68102  
 Ph. (402) 206-7045  
 Email: krause\_randall@hotmail.com

By Registered Mail, Return Receipt Requested

March 5, 2016

Dr. Hank M. Bounds, President  
 University of Nebraska  
 3835 Holdrege Street  
 Lincoln, NE 68583-0745

Re: Supplemental Notice of Intent to Sue

Dear Dr. Bounds:

The purpose of this supplemental notice is to identify the endangered or threatened wildlife put in harm's way by the University's practice of facilitating and encouraging the release of thousands of helium-filled balloons during Husker football home games at Memorial Stadium. This supplemental notice also identifies the geographical area where endangered or threatened wildlife are put in harm's way. Lastly, this notice will identify an additional federal regulation that the University violates by facilitating and encouraging the release of helium-filled balloons.

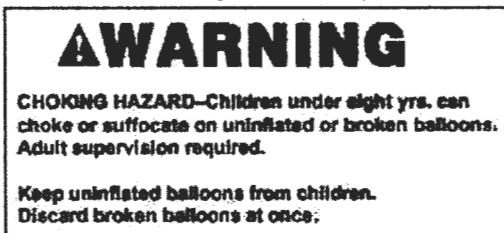
Due to the prevailing winds, the endangered or threatened wildlife put in harm's way by the University's practice include all of the species of birds, turtles, marine mammals, and small animals listed pursuant to section 4 of the Endangered Species Act in states east of a meridian that passes through Lincoln, Nebraska. These species include:

Florida Bonneted Bat	Piping Plover
Gray Bat	Southwestern Willow Flycatcher
Indiana Bat	Red Knot
Mexican Long-nosed Bat	West Indian Manatee
Northern long-eared Bat	Alabama Beach Mouse
Ozark Big-eared Bat	Anastasia Island Beach Mouse
Virginia Big-eared Bat	Choctawhatchee Beach Mouse
Audubon's Crested Caracara	Key Largo Cotton Mouse
Mississippi Sandhill Crane	Perdido Key Beach Mouse
Whooping Crane	Southeastern Beach Mouse
Yellow-billed Cuckoo	St. Andrew Beach Mouse
Eskimo Curlew	Mexican Spotted Owl
Northern Aplomado Falcon	Alabama Red-belly Turtle
Black-footed Ferret	Northern Bog Turtle
Attwater's Greater Prairie-chicken	Flattened Musk Turtle
Lesser Prairie-chicken	Gopher Tortoise

Lower Keys Marsh Rabbit	Plymouth Red-belly Turtle
Lower Keys Rice Rat	Ringed Map Turtle
Florida Scrub-jay	Yellow-blotched Map Turtle
Green Sea Turtle	Black-capped Vireo
Hawksbill Sea Turtle	Florida Salt Marsh Vole
Kemp's Ridley Sea Turtle	Bachman's Warbler
Leatherback Sea Turtle	Golden-cheeked Warbler
Loggerhead Sea Turtle	Kirtland's Warbler
Cape Sable Seaside Sparrow	Finback Whale
Florida Grasshopper Sparrow	Humpback Whale
Carolina Northern Flying Squirrel	North Atlantic Right Whale
Wood Stork	Ivory-billed Woodpecker
Least Interior Tern	Red-cockaded Woodpecker
Roseate Tern	Key Largo Woodrat

The University also violates 40 CFR § 257.3-8(d) by facilitating and encouraging the release of helium-filled balloons. After the balloons have served their intended purpose they are disposed of by the wind and forces of nature and become "discarded materials" and "solid waste" under RCRA § 1004(27). Due to the prevailing winds, the disposal site is the geographical area east of a meridian that passes through Lincoln, Nebraska.

Of all children's products, balloons are the leading cause of suffocation death, according to Consumer Product Safety Commission injury data. 16 CFR 1500.19(b)(2) requires that latex balloon packages bear the following cautionary statement:



By facilitating and encouraging the release of helium-filled balloons, the University exposes the public to potential health and safety hazards at the disposal site in violation of 40 CFR § 257.3-8(d). Krause will add this violation to the relief that he seeks from the Court. Sixty days after you receive this supplemental notice, Krause will file the aforementioned citizen suit.

Sincerely,

Randall S. Krause

cc: Gina McCarthy, Administrator of the U.S. Environmental Protection Agency (EPA)  
 Mark Hague, Regional Administrator for EPA Region 7  
 David Haldeman, Nebraska Department of Environmental Quality Waste Management  
 Division Administrator



Exhibit B

Registered No. RA729899099US

Date Stamp  
0111 37  
MAR -5 2016

To Be Completed By Post Office	Reg. Fee	\$0.49	
	Handling Charge	\$12.20	Return Receipt
	Postage	\$2.80	Restricted Delivery
		\$0.00	
	Received by	\$0.00	
			\$15.49
Customer Must Declare Full Value		\$0.00	Domestic Insurance up to \$25,000 is included. Additional insurance on the declared value. International indemnity is limited. (See Reverse).
03/05/2016			
OMAHA, NE 68108			
<b>OFFICIAL USE</b>			
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Randall S. Krause 604 S. 22 <sup>nd</sup> St. Apt. 515 Omaha, NE 68102 68108	
	TO	Dr. Hank M. Bounds, Pres. University of Nebraska 3835 Holdrege street Lincoln, NE 68583-0745	
	PS Form 3806, Receipt for Registered Mail Copy 1 - Customer		
	January 2014 (7530-02-000-9051) (See Information on Reverse)		
	For domestic delivery information, visit our website at www.usps.com®		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature Nebraska - Lincoln University Services Agent <input checked="" type="checkbox"/> Addressee <input type="checkbox"/></p> <p>B. Registered by (Printed Name) 1100 N. 17th St. Lincoln, NE 68588-0699</p> <p>C. Date of Delivery 3-7-16</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No Lincoln, NE 68588-0699</p>
<p>1. Article Addressed to: Dr. Hank M. Bounds, Pres. University of Nebraska 3835 Holdrege Street Lincoln, NE 68583-0745</p> <p>9590 9403 0513 5173 4768 56</p>	<p>3. Service Type  <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)  <input checked="" type="checkbox"/> Priority Mail Express®  <input checked="" type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label) RA 729899099US</p>	<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p>

Domestic Return Receipt